

WAGANAKISING ODAWAK STATUTE 2006-024

DISCLOSURE OF PUBLIC DOCUMENTS ACT

SECTION I. PURPOSE

This Statute is hereby enacted to mandate disclosure of public documents.

SECTION II. DEFINITIONS

- A. The “Tribe” shall mean the Little Traverse Bay Bands of Odawa Indians.
- B. “Public Documents” shall mean documents that are made available for Tribal Citizens’ review.

SECTION III. APPLICATION

- 1. All branches of government shall release public documents to any Tribal Citizen making a request in accordance with approved regulations.
- 2. Public documents shall include but not be limited to:
 - a. all budgets approved by Tribal Council,
 - b. all documents supporting budgets, budget modifications and all documents used in budget formulations,
 - c. reports, memos, emails, letters and other written material in the possession of any branch of government that is not classified as a document identified with restrictions in this ACT.

SECTION IV. RESTRICTIONS

- A. Personnel files, medical records, documents covered by attorney client privilege, student records, and other records that have clearly delineated legal standing as private records shall be exempt from this statute.
- B. Tribal Court shall have sole jurisdiction for review and final determination of whether a document is public and require release of documents.

SECTION V. REGULATIONS REQUIRED

- 1. The Tribal Executive shall develop regulations to implement this statute.
- 2. The regulations shall establish:
 - a. A method for defining classifications of documents as but not limited to public, confidential, secret, legal, enterprise proprietary, and personnel.
 - b. Methods of marking, controlling, keeping and releasing confidential records

- c. Reasonable costs for release of records
- d. A requirement for conspicuous posting of the regulations in public governmental buildings, posting shall include notification of Tribal Court jurisdiction.

SECTION VI. Procedures required

- A. None

SECTION VII. Appropriations authorized

- A. The Executive shall present Tribal Council with modifications to the present and future annual Budgets to include appropriations necessary to implement this statute.

SECTION VIII. Executive Authority

- A. The Tribal Executive is hereby mandated to implement this Act and to enforce all approved Tribal Codes of Regulation and to implement all required Administrative Procedures.

SECTION IX. Severability

If any section, subsection, paragraph, sentence, phrase or portion of this Statute is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION X. EFFECTIVE DATE

Effective upon the signature of the Executive, or 30 days from submission to the Executive branch, or if the Executive vetoes the legislation, then upon Tribal Council override of the veto.

CERTIFICATION

As the Legislative Leader and Tribal Council Secretary, we certify that this Statute was duly passed by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on October 22, 2006 at which a quorum was present, by a vote of 8 in favor, 0 opposed, 0 abstentions, 1 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Regina Gasco Bentley	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Fred Harrington, Jr.	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Dexter McNamara	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Mary Roberts	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Rita Shananaquet	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Alice Yellowbank	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Shirley Oldman	<u> </u>	<u> </u>	<u> </u>	<u>X</u>
Melvin L. Kiogima	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Beatrice A. Law	<u>X</u>	<u> </u>	<u> </u>	<u> </u>

Date: _____

Beatrice A. Law, Legislative Leader

Date: _____

Melvin L. Kiogima, Secretary

Received by the Executive Office on _____ by _____

Pursuant to Article VII, Section D, Subsection 1 of the Little Traverse Bay Bands of Odawa Indians Constitution adopted on February 1, 2005 the Executive concurs in this action of the Tribal Council.

Date: _____

Frank Ettawageshik, Tribal Chairperson